

In Re: Muthukumara Reddy

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SooperKanoon Citation : sooperkanoon.com/782188

Court : Chennai

Decided On : Jan-17-1911

Reported in : (1911)21MLJ411

Appellant : In Re: Muthukumara Reddy

Judgement :

ORDER

1. The only objection to the conviction that needs to be considered is that founded on Section 360, Criminal Procedure Code, and Section 91 of the Indian Evidence Act.

2. The petitioner has been convicted of giving false evidence in a certain criminal trial, and the statement which is alleged to be false has been proved by putting in evidence the deposition in which the false statement was made by the petitioner. It is contended that this deposition is inadmissible in as much as, when it was read over to the petitioner, another witness was being examined in the case in which the petitioner had given evidence. It is not alleged that the petitioner's deposition was not correctly recorded, and the gist of the objection is that the accused in the case in which the petitioner gave evidence or his pleader could not have been listening to the petitioner's evidence when it was read out to him. Section 360 of the Criminal Procedure Code requires that the deposition, after it has been recorded, should be read out in the presence of the accused or his pleader. This was admittedly done in the present case and it is not shown that the accused or his pleader made any representation to the Magistrate that they wanted to hear

the petitioner's evidence read out and they could not do so as another witness was being examined. It was quite open to them, if they wanted to hear the petitioner's evidence which was being read out to the petitioner in their presence, to ask the Magistrate to stop the examination of the next witness when the deposition was being read out. They made no such application, and we must hold that the provisions of Section 360 of Criminal Procedure Code were complied with both literally and in spirit. That being so, the deposition of the petitioner was rightly admitted under Section 91 of the Evidence Act.

3. The petition is dismissed.

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